

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32435 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -DUMRAUN District- BUXAR

- =====
1. Phool Jhari Devi, W/o Deo Kumar Choudhary,
 2. Pratima Devi, W/o Hari Om Choudhary,
 3. Hari Om Choudhary, S/o Deo Kumar Choudhary,
 4. Hari Bishnu Choudhary @ Om Prakash Chaudhary, S/o Deo Kumar Choudhary
 5. Hari Narayan Choudhary, S/o Deo Kumar Choudhary, all resident of Village- Old Bhojpur O.P., P.S.- Dumraon (New Bhojpur O.P.), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Sharma, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 14-07-2017

Learned counsel for the Petitioners submits that petitioner No.5, Hari Narayan Choudhary, has been arrested and seeks permission to withdraw the application in so far as it relates to petitioner No.5.

Accordingly, this application is dismissed as withdrawn in respect of the petitioner No.5- Hari Narayan Choudary.

Heard learned counsel for rest of the Petitioners and the State.

The Petitioners apprehend their arrest in Dumraon (New Bhojpur OP) P.S. Case No.81 of 2017 instituted for the



offence under Section(s) 341, 323, 337, 307, 354, 504/34 Indian Penal Code.

It has been submitted that co-accused, Deo Kumar Choudhary, and the informant, Vijay Choudhary, are full brothers and the altercation had taken place on account of flow of drainage water.

As per the written report, there is general and omnibus allegation against the petitioners.

In the facts and circumstances of the case, prayer of the petitioners **except petitioner No.5- Hari Narayan Choudhary** for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, **except petitioner No.5- Hari Narayan Choudhary** within six weeks from today in connection with Dumraon (New Bhojpur OP) P.S. Case No.81 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the



court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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